

REMARKS

The Office Action mailed November 18, 2003 has been reviewed and the comments of the Patent and Trademark Office have been considered. Claims 1-9 and 11-19 were pending in the application. Claim 1 has been amended. No claims have been canceled. New claims 20-22 have been added. Therefore, claims 1-9 and 11-22 are pending in the application and submitted for reconsideration.

This amendment adds, changes or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, are presented, with an appropriate defined status identifier.

In addition, the Applicant would like to thank Examiner Cronin for his comments and suggestions in the telephone interview held February 18, 2004 with the Applicant's representative.

§ 112 REJECTIONS

Claims 1-19 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite allegedly because handguns are available in various sizes and shapes. Applicant respectfully traverses this rejection.

Claim 1 has been amended to include the feature that the cavity "includes an opening wider than the barrel portion of the gun to be carried and having a shape conforming to the silhouette of the gun." Support for this feature can be found in Figure 3 of the instant application. As discussed in the telephone interview, and further supported in paragraph [0018] of the instant application, the claimed gun holster may be produced in a wide range of sizes and shapes, any one of which may be sized and configured to a particular gun.

Applicant submits that the present claims are definite and respectfully request that the rejection be withdrawn.

§ 102 REJECTIONS

Claims 1-5 and 9-14 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,116,306 to Zander (“the Zander ‘306 patent”). Claims 1-5, 9-13 and 15 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 4,674,664 to Simon (“the Simon ‘664 patent”). Claims 1-5, 9-12 and 15 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,806,742 to Mott et al. (“the Mott ‘742 patent”). Claims 1-6 and 10-13 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,216,932 to Wu (“the Wu ‘932 patent”). Claims 1-8, 10-13 and 15 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,544,745 to Famorca (“the Famorca ‘745 patent”). Applicant respectfully traverses these rejections.

The Examiner alleges that “[i]t would have been an obvious matter of design choice to size the retaining cavity to hold a handgun since such a modification would have involved a mere change in the size of a component.” However, independent claim 1 has been amended to include the feature that the cavity “includes an opening wider than the barrel portion of the gun to be carried and having a shape conforming to the silhouette of the gun.” None of the applied references teach or suggest this feature. Therefore, no combination of the applied references render independent claim 1 obvious. Further, because the dependent claims include all of the limitations of the claims on which they depend, none of the rest of the claims are rendered obvious by any of the applied references singly or in combination.

New Claims

Claims 20-22 are newly presented for the Examiner's review and consideration. Support for these claims can be found in paragraphs [0018] and [0019] of the specification. No new matter has been added.

CONCLUSION


In view of the foregoing, it is respectfully submitted that the pending claims are in condition for allowance. Entry of this amendment and an early notice to this effect is earnestly solicited. Should there be any questions regarding this application, the Examiner is invited to contact the undersigned at the number shown below.

If any fees are deemed necessary, including any fees required under 37 C.F.R. § 1.136 for any necessary extension of time to make the filing of the attached documents timely, please charge or credit the difference to Deposit Account No. 50-2228. Further, if these papers are not considered timely filed, then a request is hereby made under 37 C.F.R. § 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Date 2/23/2004

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